

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

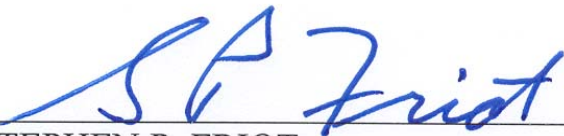
TRAVIS FOOTE,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-09-0219-F
)	
DAVID PARKER, Warden,)	
)	
Respondent.)	

ORDER

This action is brought by petitioner, a state prisoner appearing *pro se*, for habeas relief under 28 U.S.C. § 2254. On September 30, 2009, Magistrate Judge Valerie K. Couch filed a Report and Recommendation recommending that the petition be denied. (Report, doc. no. 18.) The Report advised petitioner that failure to timely object to the Report waives the right to appellate review of both factual and legal issues addressed in the Report. Petitioner has not responded to the Report and has not asked for an extension of time within which to respond.

With no objection having been filed, the court, after review, hereby **ADOPTS**, **ACCEPTS** and **AFFIRMS** the Report and Recommendation of Magistrate Judge Couch. Accordingly, the petition for writ of habeas corpus is **DENIED**.

Dated this 4th day of November, 2009.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE